

**MEETING**

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chairperson Fish, followed by the Pledge of Allegiance.

**ROLL CALL**

Present: COMMISSIONERS Bennett, Bogue, Caveglia, Fish, Halliday, Zermeno  
CHAIRPERSON Williams  
Absent: COMMISSIONER None

Staff Members Present: Anderly, Bauman, Borger, Butler, Collins, Ehrenthal,  
Looney, Patenaud, Trimble, Shiner, Woodbury

General Public Present: Approximately 150

**PUBLIC COMMENT**

None made

**AGENDA**

1. Appeal Planning Director's Approval Of Extension Of Time For Site Plan Review 99-130-05 - Flynn, Craig & Grant, Architects (Applicants), City Of Hayward Redevelopment Agency & Multiple Owners (Owners). *The site is located on Mission Boulevard between "A" and "B" Streets.*
2. Zone Change Application No. 99-120-01 - Bill Boyl, Greenberg Farrow Architecture, Representing The Home Depot (Applicant) / City Of Hayward (Owner) - Request for a change of zone from "AT-C" (Air Terminal-Commercial) District to "PD" (Planned Development) District to accommodate construction of a 107,920-square-foot home improvement retail center (Home Depot) with an accessory 23,928-square-foot garden center

**PUBLIC HEARINGS**

1. Appeal Planning Director's Approval Of Extension Of Time For Site Plan Review 99-130-05 - Flynn, Craig & Grant, Architects (Applicants), City Of Hayward Redevelopment Agency & Multiple Owners (Owners). *The site is located on Mission Boulevard between "A" and "B" Streets.*

Principal Planner/Landscape Architect Woodbury made the staff report and indicated that the applicant had the opportunity for two one-year time extensions through the Planning Director who had determined in this case that the extension was reasonable given the difficulty of property access issues on the site. She indicated that the applicant has been given to understand what is needed to finish the environmental remediation and the work program has been approved by the Regional Water Quality Board.

The Public Hearing Opened at 7:40 p.m.

Hector Carabillo, 30717 Brae Burn Avenue Street, spoke against the extension.

Jason Moreno, 25200 Carlos Bee Boulevard, said private property should not be taken for public use.

John McCarthy, 932 B Street #2, expressed concern regarding the environmental issues on the site and other public safety concerns. He said the implications of closing off Watkins Street should be addressed more fully before the project continues.

Ray Baker, 770 "A" Street, the appellant, said this is not a good location for a supermarket since 15 businesses will need to be closed, as well as the street. He suggested that there is no extraordinary reason to grant the extension. He asked that an independent environmental study be done since there is insufficient information to evaluate the application.

The Public Hearing Closed at 7:50 p.m.

Commissioner Halliday **moved**, seconded by Commissioner Bogue, to deny the appeal and grant the extension.

Commissioner Caveglia added that there are right of access circumstances beyond the control of the site applicant, which should be considered in granting a time extension.

Commissioner Bennett reiterated that this was merely an extension of the permit not a further approval of the building.

Commissioner Williams said that the applicant has the opportunity for two one-year extensions and this is justified and reasonable.

Commissioner Bogue agreed that the applicant has made progress and there was no reason to deny the extension.

Chairperson Fish also agreed to support the motion.

**The motion passed 7:0.**

2. Zone Change Application No. 99-120-01 - Bill Boyl, Greenberg Farrow Architecture, Representing The Home Depot (Applicant) / City Of Hayward (Owner) – Request for a change of zone from "AT-C" (Air Terminal-Commercial) District to "PD" (Planned Development) District to accommodate construction of a 107,920-square-foot home improvement retail center (Home Depot) with an accessory 23,928-square-foot garden center.

Associate Planner Patenaude described the various public meetings and public input that had gone into the project and the number of changes made to the design as a result. He outlined the details of the project and the request for a change in zoning of the airport property. The City would lease the property to The Home Depot for 20 years. Sulphur Creek would be realigned. The primary entrance to the store would bridge the creek. He told in detail the accommodations which would be made for the landscaping and building design. He also answered a number of questions from the Commission.



Airport Manager Shiner added that the project would be compatible with the airport. This site has proven to have a good safety record and the building would not interfere with aviation. He added that the the project conforms to FAA conditions such that the Home Depot stipulations will not in any way interfere with air space and aviation use.

Deputy Director of Public Works Bauman described the traffic conditions and modifications for access to Hesperian.

Public Hearing Opened at 8:53 p.m.

Bill Boyl, Greenberg Farrow, architect for Home Depot and applicant for the project, asked for consideration for several items in the conditions of approval including: a change in the delivery hours from 6 a.m. to 9 p.m. since the hotel next door says the a.m. hours do not seem to matter to their clientele. Also, they would like to operate the store from 6 a.m. until midnight. They have discovered that the optimum height for the light standards is 22 feet. He also asked for reconsideration of the outdoor storage limitations since there are various times during the year when they would need to have items outside the store. He said that although the employees have 2-way radios, they still need loud speakers in the garden area for emergencies.

Patrick McGaughey, Home Depot manager, said they were anxious to bring jobs and tax revenues into the City.

Carl Costa, 22835 Optimist Street, said he was a regular user of Home Depot but asked that the Hesperian exit be removed.

Kathy Kealy, 1166 Denton Avenue, said she is opposed to the congested usage of Hesperian.

Art Kealy, 1166 Denton Avenue, said that as a homeowner in Hayward, he is concerned about how the quality of life in Hayward would be affected by this project.

Father Ray Zielezienski, St. Joachim's Parish, asked Commissioners to think carefully about the good of the people of the City rather than the money that would be collected through the project. If, however, they see fit to approve the project, he asked that a commitment be made to the people in the form of a Center to serve the needs of the northwest Hayward area.

Maureen Bessette, 24881 Yoshida Drive, spoke in support of the project.

Anne Martino, 2612 Erskine Lane, said she was not against Home Depot but did object to the location since traffic on Hesperian is already horrendous.

Glen Kirby, 30520 Hoylake Street, also spoke against the project. He said the big stores make it much more difficult for the smaller stores to compete.

Rigo Cabezas, 15891 Via Pinale, San Lorenzo, complained about the noise level already bothering the Church and school from Hesperian traffic.

Ernest Jaramillo, 18637 Hunter Avenue, said the two Hesperian exits are an abomination, and the loud speakers would be a problem to the Parish.

Ralph Padilla, 788 Bluefield Lane, spoke in support of the Home Depot and what it could mean for the City.

Mike Derrick, 23271 Klamath Road, approved of the plans and asked why some other City should gain all of the revenues rather than Hayward. He said this is a good project.

Jerry Marks, 2511 Bradford Avenue, opposed the project because Home Depot tends to ruin small businesses.

Lynn Hanley, 1008 Sahara Court, a resident of the Skywest Townhomes behind the project, said the site is inappropriate. She suggested a more Industrial location, closer to Clawiter, for example. She said they bought a home across from the airport three years ago, knowing what that was going to be like but this will bring in much more traffic and be more disturbing to the neighborhood.

Estelito Chavez, 24577 Williment Way, supported the Home Depot and thanked them for a beautiful plan to bring the store into the City. He also cited the number of jobs the firm would bring to the City.

Evelyn Cormier, 31020 Carrol Avenue, thanked the City planners for the reprieve for Sulpher Creek. However, she was concerned about the loss created to the small business people in town. She also wondered about the number of new projects previously approved for Hesperian in that area and the amount of traffic generated by all of these projects. She suggested the City and the company look at other sites.

Chairperson Fish called for a ten-minute recess at 9:43 p.m.

He resumed the meeting at 9:53 p.m.

William Aquino, 22445 Fuller Avenue, said he has lived in Hayward for a number of years and we need a place like Home Depot. There will always be problems. However, that is why the City hires educated people. This is valuable property. Something is going to go in there. He cited City revenue losses which projects like this will help replace. He suggested that this is Hayward's chance for jobs and revenue.

George Diamantine, 808 B Street, said the impact on local business would be horrendous, and then named all of the businesses which would be hurt. He added that the quality of life will change. He suggested that it should go on the ballot for the people to decide.

Bob Billmire, 27520 Grandview Avenue, said he was against Home Depot being located within the City. It is too big and too powerful. It will crush the smaller merchants, and add more vacant stores within the downtown area. He added that the traffic statistics are not adequate. They are missing the three recently approved projects on Hesperian as well as the widening of San Mateo Bridge, all of which will dump more traffic onto Hesperian. He suggested getting more realistic figures from the Union City and San Leandro stores as to how many customers a day each gets.



John McCarthy, 932 B Street #2, said the City is misleading the people and cited language from 1966 airport documents. He said the PUC State Aeronautics Division should be consulted. The City Airport Committee is not qualified by State law to make these decisions.

Howard Beckman, 1261 Via Dolorosa, San Lorenzo, referred to his recent comments during the Zoning Ordinance hearings and suggested the impact on the environment is regional. He suggested that an EIR is necessary for complete information on the project.

John Kyle, 22638 Teakwood Street, spoke in support of the project. He said the traffic light at Sueirro Street would be a godsend for the children at St. Joachim's.

Sara Moore, 680 Sacramento Street, San Francisco, spoke against the Home Depot Corporation since they are still the largest retailer of virgin rainforest wood in the world. She stated they can not let down the pressure. Numerous companies have committed to stop buying virgin rain forest products and this is the chance to tell Home Depot it is time for them to join.

Alexandra Waring, 340 Channing Way #248, San Rafael, said she, too, supported rain forest protection and indicated that the City is in a unique position to convince the company to stop selling virgin wood from the rain forests of the world. She suggested the City deny Home Depot entry into the community until they make a commitment to stop buying virgin rain forest products.

At Commissioner Caveglia's request, Patrick McGaughey, Home Depot manager, responded by saying they have focused efforts on forest conservation and were the first retailer to join a business counsel to protect the wilderness.

Allen Franke, 17992 Sunol Road, said he had a petition from the Skywest homeowners against the project, particularly objecting to the increased traffic. He said they all agreed it should be moved to the Industrial area.

Jessica Huerta, 1532 West Street, supported the project for the jobs it will bring to Hayward.

Jim Pineda, 25565 Spring Drive, supported the project and said he has been with Home Depot a number of years.

Samantha Pineda, 25565 Spring Drive, a Home Depot manager said the business would be a great asset to the City. They would provide jobs and careers for residents as well as long-term investments and development of community projects.

John Radican, 960 Castlewood Way, asked for denial of the project at this location. He suggested that the planners who are recommending the increase to the traffic on Hesperian along "A" Street don't live near that location.

Hugh Logan, 1085 Via Corolla, San Lorenzo, said the Mitigated Negative Declaration was incomplete. He said many delivery trucks would travel through San Lorenzo. The traffic signals will also generate more traffic through the area. School children at St. Joachim's will

be confronting safety problems as well.

Mark Branco, 678 Marin Avenue, said there is not enough emphasis being placed on Sueirro Street being accessed at three different points.

Jason Moreno, 25200 Carlos Bee Boulevard, said there were still too many questions of safety at the airport and Southland. He referred to the recent landing of a light plane at the shopping center. He asked for further information on the enforcement of delivery truck schedules. He added that he opposed the Home Depot for the deterioration it would bring to the City of Hayward and the detrimental impact it would have on the quality of life.

Howard Clark, no address given, said he was concerned about the traffic lights and how traffic was going to flow on Hesperian.

Hector Carabillo, 30717 Brae Burn Avenue Street, said he was also opposed the application because of the traffic on Hesperian. He added that sales tax revenue seems more important than people do at this point.

Ruth Fernandez, no address given, said she lives next to the church and the traffic on Hesperian is getting worse. They had previously asked for a traffic light at Sueirro and Hesperian, and there was never money for it. Now that Home Depot comes in, the project calls for a stop light at that corner.

The Public Hearing was Closed at 10:48 p.m.

Commissioner Williams agreed that many people are very concerned about the location on Hesperian. However, he added that the EIR goes through a checklist and mitigation measures then address the environmental issues. He agreed that small businesses would be affected but the key to success in small business is how you serve your customers. He particularly liked the amount of money generated for the City by the lease of the land and the tax revenue and the number of jobs available for City residents. He agreed that traffic is an issue. He then asked the Home Depot representative whether closing the Hesperian exit would kill the project.

Mr. Boyl agreed that traffic is a concern and having a right turn onto Hesperian is important since it works better but the project could continue without it.

Commissioner Bennett asked for further information regarding the status of the burrowing owl on the property.

Associate Planner Patenaude said that he had walked a grid of the property during nesting season and saw no burrowing owl activity.

Commissioner Bennett then asked about the City Manager having previously indicated that an EIR would be conducted regarding the Sulpher Creek project.

Deputy Director of Public Works Bauman said environmental documentation only was necessary for the project but not a full EIR.

Commissioner Bennett asked how it was determined that there was no known paleontology on the site.



Associate Planner Patenaude responded that none has been found in this area.

Commissioner Bennett then **moved**, seconded by Commissioner Halliday, to recommend to the City Council to deny the application because of the number of issues that have not been addressed; that it was not in conformance with the General Policies Plan Map, and not in conformance with the intent and purposes of the Zoning Ordinance designation of Planned Development (PD) as proposed. She then spoke to the motion saying that Home Depot serves a need and has a purpose in this community. If it were for another site in Hayward, she might support it. It is convenient at this location but not appropriate. She said she appreciated the response and concern of the people who came to the hearing.

Commissioner Halliday added that she was not a fan of "big box" stores. She did say it was wonderful how many people came to the meeting to express an opinion. She added that she, too, would like to see another site in the City for this store. It just really does not fit in with the other uses in the area. She said this is Hayward's tourist area and it does not work next to a hotel.

Commissioner Williams said this is a working airport with no passengers. He would not support the motion since the pluses outweigh the negatives for the project. This project would bring to Hayward what other cities in the area enjoy.

Commissioner Zermeño said he appreciated the efforts of those present but agreed that there was a positive side to the project. He added that he would not support this motion and when the City Council considered the project, he said he would lobby for a community center, more bus service in the area, moving the loading docks and rethinking the entrance on Hesperian Boulevard. The area is already half-residential and half-commercial so this would not be that much of a change of use.

Commissioner Bogue said he, too, did not agree with the motion. Hesperian Boulevard is a major arterial in the City and that is where traffic should be. He added that he was concerned with the traffic patterns described and was not pleased with the design of the building. He said the design shown at the public meeting at Centennial Hall was more interesting.

Commissioner Fish said he also would not support the motion. Building on Hesperian at this location will happen sooner or later.

The motion **failed** by the following vote:

AYES:	COMMISSIONERS Bennett, Caveglia, Halliday
NOES:	COMMISSIONERS Bogue, Williams, Zermeño
	CHAIRPERSON Fish
ABSENT:	None
ABSTAIN:	None

Commissioner Williams then **moved**, seconded by Commissioner Zermeño, to approve the recommendation with these additional conditions: that the Hesperian driveways be closed; that

there be no loudspeakers on the property; that the outside storage of materials not be in sight of Hesperian; and that the property be swept daily with awareness of the surrounding area. Commissioner Bennett indicated that she would oppose the motion for the same reasons she initiated her own motion opposing the project.

Commissioner Bogue asked for a friendly amendment to change Condition 13, that graffiti be painted out within one day rather than seven. He then proposed accepting the applicants' petition for a change of the light standards to 22 feet.

Commissioner Williams said he thought not.

Commissioner Zermeno said he would support the motion and particularly liked removing the exits from Hesperian.

Commissioner Bogue said he would hesitate supporting the motion for that reason since the big rig deliveries would have a difficult time serving the property.

Chairperson Fish said he would support the motion to pass the plan on to Council.

The motion **carried** by the following vote:

AYES:	COMMISSIONERS Bogue, Williams, Zermeno
	CHAIRPERSON Fish
NOES:	COMMISSIONERS Bennett, Caveglia, Halliday
ABSENT:	None
ABSTAIN:	None

### **ADDITIONAL MATTERS**

#### **3. Oral Report on Planning and Zoning Matters**

Planning Manager Anderly discussed various recent City Council actions.

#### **4. Commissioners' Announcements, Referrals**

Commissioner Bennett asked whether it was appropriate in the processes and procedures for individuals to ask questions to staff.

Assistant City Attorney Borger indicated that it is not a process of cross-examining the staff. The debate and questions should be directed to the Chair and not staff.

Commissioner Williams suggested that staff look into the business at the exit of 580 and Foothill where there are, once again, a dumpster and other debris in sight.

Commissioner Halliday thanked Commissioner Williams for his tenure as Chair during the past year.

Commissioner Williams said he appreciated the cooperation of staff and that he was glad he did not have to chair this particular meeting.

**MINUTES**



**REGULAR MEETING OF THE PLANNING  
COMMISSION, CITY OF HAYWARD, Council  
Chambers, Thursday, July 29, 1999,  
7:30 p.m. 777 "B" Street, Hayward, CA 94541**

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**MINUTES**

- July 15, 1999 - Approved

**ADJOURNMENT**

The meeting was adjourned by Chairperson Fish at 11:31 p.m.

**APPROVED:**

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Barbara Halliday, Secretary  
Planning Commission

**ATTEST:**

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Edith Looney  
Commission Secretary